



# Angelina College

P.O. Box 1768, Lufkin, Texas 75902-1768 • 936/639-1301 • Fax 936/639-4299 • www.angelina.edu

August 31, 2017

David Mark Davis II  
11 Glenview Ct  
Lufkin, TX 75901

EXHIBIT

11

From: Steve Hudman, Dean of Student Affairs

Dear Mr. Davis:

This letter is to inform you that a preponderance of evidence has been established supporting the charge of failing to comply with an official student summons. The specific violation of Angelina College Student Conduct and Disciplinary policy is below:

**Prohibited Behavior 20**

Official Directive - Failure to comply with the lawful directives of all College officials acting within the scope of their responsibilities is prohibited (Policy and Procedures, pg. 322).

On August 9, 2017, I requested that we meet, in the Office of the Dean of Student Affairs, to discuss information in your student file. I received your email declining to meet on August 9<sup>th</sup> at 7:49 p.m. I sent a follow up email on August 10<sup>th</sup> explaining why I requested a meeting and re-requested a meeting. You once again declined my request via an email on August 10<sup>th</sup> at 8:31 a.m.

On August 11<sup>th</sup> at 9:33 a.m. I sent you, via email, an official student summons to the Office of the Dean of Student Affairs. You declined the official student summons via email on August 11<sup>th</sup> at 10:09 a.m. in which you stated, "I will not be coming to partake in your sick game." Not showing up for an official student summons is a violation of Angelina College Student Conduct and Disciplinary policy (See FLB, AC Student Policy and Procedures Manual, #20)

Also, During a disciplinary hearing held on August 30, 2017, you claim that I cancelled the first student summons dated August 11, 2017 and failed to issue you a new student summons for the following Monday, August 14, 2017. I explained the email you received from me rescheduling the student summons for August 14, 2017 was to accommodate you being out of town on the August 11, 2017 summons date. This was out of convenience for you being out of town and not a cancelation of summons. You stated "we would just have to agree to disagree."

Based on the information during the investigation and disciplinary hearing I am implementing you a WARNING as your penalty for the misconduct. These actions are cumulative and are considered official college actions that are recorded in the Office of the Dean of Student Affairs in accordance with College policy.

You may appeal the findings and/or the assigned discipline to the College Student Conduct Panel. To appeal the findings and/or decision of the investigation or disciplinary hearing you must do so in writing within 5 business days of receiving this letter.

*Angelina College...A Great Place To Start*

If you do not wish to appeal the findings and/or decision, the College will consider this matter closed and no further action will be required from you.

If you have questions regarding this decision please contact my office at the number or email below.

Sincerely,



Steve Hudman  
Dean of Student Affairs  
(936) 633 5293  
[shudman@angelina.edu](mailto:shudman@angelina.edu)



# Angelina College

P.O. Box 1768, Lufkin, Texas 75902-1768 • 936/639-1301 • Fax 936/639-4299 • www.angelina.edu

September 5, 2017

David Mark Davis II  
11 Glenview Ct  
Lufkin, TX 75901

EXHIBIT

12

From: Steve Hudman, Dean of Student Affairs

Dear Mr. Davis:

Thank you for taking the time to meet with me this afternoon regarding the information in your student file. In today's meeting we discussed finding a balance for you to be successful in classes on campus and creating a safe work environment for College staff. In the meeting you acknowledged that a member of the College staff, working in the Registrar/Records office, has expressed a fear towards you stemming from incidents in 2007. Although you may not agree with the employee's feeling, it is the College's policy to take all such concerns seriously and, as needed take precautions to prevent further incidents.

This letter is to inform you of your enrollment status as a result of today's meeting.

Since you have now complied with the requested meeting, to discuss your student file, the temporary restriction regarding attending face-to-face courses on the Angelina College campus has been removed. You will be allowed to attend your classes according to your current schedule for the fall 2017 semester, subject to the following temporary restrictions; 1) you will not go in the Administration Building on the Angelina College campus; and 2) you will refrain from contacting or come within 100 feet of Myrna Boyd. If you need any services provided in the Administration Building (Registrar, Business Services, attend board meeting), you will need to contact me and I will assist you in accessing all such services, without a limitation on the services. Any violation of the above temporary restrictions will be treated as a violation of the Code of Student Conduct. .

If you have questions regarding the content of this letter, please contact my office for clarification.

Sincerely,

Steve Hudman  
Dean of Student Affairs  
(936) 633 5293  
shudman@angelina.edu

*Angelina College. . . . A Great Place To Start*



## September 5, 2017 Meeting

8 messages

**Steve Hudman** <shudman@angelina.edu>  
To: Mark Davis <dmarkdavis2@gmail.com>  
Cc: Michael Simon <msimon@angelina.edu>, Chris Sullivan <csullivan@angelina.edu>

Mr. Davis,

Please find the attached letter regarding your temporary restrictions after today's meeting.

Should you have any questions regarding this email or letter, please contact my office.

Sincerely,

Steve Hudman M.Ed.  
Dean of Student Affairs  
Angelina College  
3500 South First Street  
Lufkin, Texas 75904  
936.633.5293  
[shudman@angelina.edu](mailto:shudman@angelina.edu)

Tue, Sep 5, 2017 at 5:44 PM

EXHIBIT

13

Tue, Sep 5, 2017 at 6:02 PM

**Mark Davis** <dmarkdavis2@gmail.com>  
To: Steve Hudman <shudman@angelina.edu>  
Cc: Michael Simon <msimon@angelina.edu>, Chris Sullivan <csullivan@angelina.edu>, Sandra Cox <scox@angelina.edu>

Dean Hudman:

Thank you for your email.

Please be advised that I am not agreeable with the restrictions you set out. As you conceded in the meeting, there are no documented instances to support Ms. Boyd's claim since 2007. The claims made by Ms. Boyd and Ms. Ross back in 2007 are very much factually disputed by myself. The College did an investigation

10/11/2017

Gmail - September 5, 2017 Meeting

into Ms. Boyd's baseless complaints in 2007 and found no disciplinary violations by me regarding the claim. Since there was never any disciplinary actions taken, you are without justification to impose the restrictions you seek to impose against me. (See Dixon v. Alabama Bd of Education, 5th Cir.)

While I will not agree to comply with your restrictions as a condition of my enrollment, you can rest assured that I see Ms. Boyd as trouble and as I have stated, I go out of my way to avoid her anyway.

I hope you understand where I am coming from and why I will be agreeing to your restrictions as a condition of enrollment. Ms. Boyd is an irrational individual. I won't have my rights trampled on because of another persons apparent mental illness.

Like I said in the meeting. If Ms. Boyd sues you for failing to impose these restrictions when she nor anyone else has not made an allegation of misconduct my part in 10 years then she is going to lose. If I sue you for imposing unjust disciplinary restrictions without a disciplinary charge even being made, I'm going to win. The choice is yours.

Davis

Sent from my iPhone  
[Quoted text hidden]

<David Mark Davis II Sept 5 2017 Meeting Summary Letter.pdf>

---

**Mark Davis** <dmarkdavis2@gmail.com>  
To: Steve Hudman <shudman@angelina.edu>  
Cc: Michael Simon <mbsimon@angelina.edu>, Chris Sullivan <csullivan@angelina.edu>, Sandra Cox <scox@angelina.edu>

Mr. Hudman:

Tomorrow is slated to be my first day back in class following your illegal suspension. Please understand this, I will not be abiding by the arbitrary terms of enrollment you set out for me. These orders are ultra vires as the Board hasn't granted you the authority to impose such restrictions on any student. Furthermore, the order is unconstitutional under Dixon v. Alabama Bd of Education so even if the Board does grant you the authority it will still be illegal.

Again, as I have stated multiple times now, i will not attend Angelina College with those restrictions as I have done nothing to warrant them. If you let me come you understand this and are agreeing that I won't have to follow them. In fact, I have business in the Admin building early tomorrow that I will be attending to with or without your consent.

Thanks for understanding!

David Mark Davis II,  
Plaintiff, Pro Se

Sent from my iPhone  
[Quoted text hidden]

---

**Steve Hudman** <shudman@angelina.edu>  
To: Mark Davis <dmarkdavis2@gmail.com>  
Cc: Michael Simon <mbsimon@angelina.edu>, Chris Sullivan <csullivan@angelina.edu>, Sandra Cox <scox@angelina.edu>

Mr. Davis,

Sun, Sep 10, 2017 at 7:23 PM

Thank you for your email informing me of your need for services in the administration building under the terms of the September 5 letter of enrollment. If you let me know what time you will be on campus, I will meet you and assist you with your service needs.

Also, please clarify your intent to attend Angelina College? You state "i will not attend Angelina College with those restrictions", the temporary restrictions remain in effect as stated in the September 5 letter.

If you do not plan to attend Angelina College what business do you have in the administration building? Is your intent to drop your courses?

Thanks again for the email, however, it is very contradicting. Please clarify so I may accurately assist you.

Sincerely,

Steve Hudman M.Ed  
Dean of Student Services

Angelina College  
3500 S First  
Lufkin, Tx 75902  
936.633.5293  
[Quoted text hidden]

---

**Mark Davis** <dmarkdavis2@gmail.com>  
To: Steve Hudman <shudman@angelina.edu>  
Cc: Michael Simon <msimon@angelina.edu>, Chris Sullivan <csullivan@angelina.edu>, Sandra Cox <scox@angelina.edu>  
[Quoted text hidden]

Dean Hudman:

I desire to attend Angelina College, I just won't attend on the terms that you set forth. You simply have no authority to set those kinds of restrictions in this situation. You are punishing me because one of the staff in the Records Office is making a claim that even you have conceded has no factual basis. It's not legal or fair to punish me for her irrational feelings.

I have stated repeatedly that I will not agree to attend based on the terms you set. I will also not voluntarily withdraw if the reason I am not attend is my unwillingness to agree to your arbitrary terms. Are you saying that I will be required to follow the arbitrary restrictions you issued if I desire to attend on campus?

David Mark Davis II

Sent from my iPhone  
[Quoted text hidden]

---

**Mark Davis** <dmarkdavis2@gmail.com>  
To: Steve Hudman <shudman@angelina.edu>  
Cc: Michael Simon <msimon@angelina.edu>, Chris Sullivan <csullivan@angelina.edu>, Sandra Cox <scox@angelina.edu>  
[Quoted text hidden]

Dean Hudman:

Basically what I am saying is that I will only attend if I am treated like every other similarly situated student (I.e. No restrictions). As you are aware, I have filed grievances and equal education complaints to enforce this right.

10/11/2017

Gmail - September 5, 2017 Meeting

If you won't let me attend without restrictions then that will be all on you. I'm not dropping any classes as I honestly desire to attend. I am just of the opinion that I have done NOTHING to deserve the restrictions you are imposing, a fact you acknowledged in our 09/05/2017 meeting.

Davis

Sent from my iPhone  
[Quoted text hidden]

---

**Steve Hudman** <shudman@angelina.edu>  
 To: Mark Davis <dmarkdavis2@gmail.com>  
 Cc: msimmon@angelina.edu, csullivan@angelina.edu, Sandra Cox <scox@angelina.edu>

Mr. Davis,

We are in no way preventing, withdrawing or limiting your ability from attending AC, but if you continue to violate the terms set, you will be subject to additional discipline.

Sincerely,

Steve Hudman M.Ed  
 Dean of Student Services

Angelina College  
 3500 S First  
 Lufkin, Tx 75902  
 936.633.5293  
 [Quoted text hidden]

---

Sun, Sep 10, 2017 at 7:51 PM  
[Quoted text hidden]

---

**Mark Davis** <dmarkdavis2@gmail.com>  
 To: Steve Hudman <shudman@angelina.edu>, Sandra Cox <scox@angelina.edu>  
 Cc: Michael Simon <msimmon@angelina.edu>, Chris Sullivan <csullivan@angelina.edu>, Sandra Cox <scox@angelina.edu>

In your letter to me dated 09/05/2017, you stated: "**You (me) will be allowed to attend your classes according to your current schedule for the fall 2017 semester, subject to the following temporary restrictions;** 1) you will not go in the Administration Building on the Angelina College campus; and 2) you will refrain from contacting or come within 100 feet of Myrnia Boyd." (Emphasis Added)

As I keep stating, I am not agreeable to these arbitrary terms and will not comply with them as you have no authority to issue them in the first place. (I can only be subject to disciplinary action if the order is law and with authority, this order isn't)

In your most recent email you seemed to have vacated that order as you stated that "We are in no way preventing, withdrawing or limiting your ability from attending AC". I assume from the plain language of this text that you aren't placing any restrictions on my attendance at AC? (i.e. I can go, see and do whatever any other AC student can do, including those items you listed in the 09/05/2017 email attachment)

10/11/2017

Gmail - September 5, 2017 Meeting

Bottom-line, for you to restrict my attendance in any way at AC there must first be a legitimate legally justifiable position. There simply isn't here. You have conceded this. I would suggest AC stop wasting its energy on harassing me and focus on talking to Ms. Boyd about getting medicated. The Court's aren't going to let you rest your justification to restrict my attendance on the fact that an apparently mental unstable woman is making irrational complaints.

If you tell me I can attend tomorrow, you are agreeing that I don't have to follow your unjustified orders that are illegally restricting my attendance at AC.

Davis

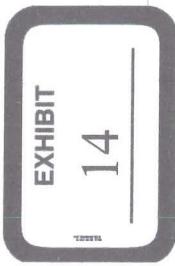
[Quoted text hidden]



[Home](#) » FLB (Local) – Student Rights and Responsibilities: Student Conduct and Discipline Program

# FLB (Local) – Student Rights and Responsibilities: Student Conduct and Discipline Program

search angelina.edu



## INTENT

It is the intent of the Student Conduct and Discipline Program to provide an educational and developmental response to student misconduct while maintaining and protecting a safe and appropriate teaching and learning environment.

In keeping with the educational intent of the Student Conduct and Discipline Program, the College engages in progressive discipline to help students understand and behave in accordance with the College's conduct standards. The progressive discipline process includes (a) selecting a proportional response to a student's misbehavior; and (b) increasing the level of response if the student subsequently misbehaves. In a progressive discipline environment, the discipline the College administers for the first occurrence of serious misconduct may be expulsion.

## PERSONAL CONDUCT

The personal conduct of students (a) on the grounds of any site or campus, in any facility, or in any vehicle owned by or controlled by Angelina College; (b) participating in or attending college functions; or (c) as members of recognized student organizations, participants in college-sponsored groups, or members of intercollegiate athletic teams is subject to College disciplinary jurisdiction. The College may also enforce its own disciplinary policy and procedure when the personal conduct of students — regardless of where it occurs — directly, seriously, or adversely interferes with or disrupts the overall mission, programs, or other functions of the College.

The Dean of Student Services or designee shall have primary authority and responsibility for administering the Student Conduct and Discipline Program. The President may take immediate interim disciplinary action, including suspension, pending a hearing for student violation of College policy. Such interim disciplinary action, including suspension, may occur in drug-related cases or when the continuing presence of the accused student poses a danger to person or property or is an ongoing threat of disruption to the scholastic process. When such interim disciplinary action occurs, the President shall communicate the disciplinary action in writing and, if possible, meet with the student to discuss reasons for the interim disciplinary action and to allow the student a rebuttal pending a full hearing.

Students are expected to obey all local, state, and federal laws and regulations of the College. Students are expected to conduct themselves and dress in a manner that preserves an appropriate atmosphere and will not disrupt teaching and learning activities. In addition, students engaging in student activities, working for the College, or representing the College at special events may be held to guidelines for conduct, dress, and appearance appropriate to that activity.

## PROHIBITED BEHAVIOR

### 1. Academic Integrity

## FLB (Local) – Student Rights and Responsibilities: Student Conduct and Discipline Program | Angelina College

It is the aim of Angelina College faculty to foster a spirit of complete honesty and a high standard of integrity. The attempt of any student to present, as his or her own, any work that he or she has not honestly performed is regarded by the faculty and administration as a most serious offense and is prohibited.

**Cheating:** Complete honesty is required of the student in the presentation of any and all phases of course work. Dishonesty of any kind on examinations, quizzes, or assignments is considered cheating and is prohibited. Common examples of cheating include the following:

- Copying from another student's test paper, laboratory report, other report, or computer files, data listings, and/or programs;
- Using materials during a test that are not authorized by the test administrator;
- Collaborating with another person or persons during an examination or in preparing academic work without authorization;
- Knowingly and without authorization, using, buying, selling, soliciting, stealing, copying, or possessing in whole or in part, the contents of an administered test;
- Substituting for another student, permitting any other person, or otherwise assisting any other person to substitute for oneself or for another student in the taking of an examination or the preparation of academic work to be submitted for academic credit; and
- Purchasing or otherwise acquiring or submitting as one's work any research paper or writing assignment prepared by another individual or firm.

**Plagiarism:** Plagiarism means the appropriation of another's work or idea and the unacknowledged incorporation of that work or idea in one's own written work offered for credit. Plagiarism is prohibited.

### **2. Alcoholic Beverages**

Student possession or consumption of alcoholic beverages is prohibited on College property. Violations subject to disciplinary action include the possession, consumption, or being under the influence of alcoholic beverages on the college campus or while representing the College during an off-campus activity.

### **3. Illegal Substances**

The possession, distribution, or use of any illegal substance on campus or at any College related function on or off campus is prohibited.

### **4. Tobacco**

Angelina College is a Tobacco Free campus. The use of tobacco products is prohibited on all College property.

### **5. Vapor and e-cigarettes**

The College prohibits use of vapor and e-cigarettes on all College property.

### **6. Housing and Residence Life**

Violations or breaches of the Angelina College Residential Contract by students living in College housing is prohibited.

### **7. Animals on Campus**

Pets and other privately-owned animals are prohibited in any College building unless the Vice President and Dean of Instruction makes a specific exception for academic purposes. Animals on campus must be on a leash or be otherwise under the direct and positive control of the owner. Service animals assisting individuals with disabilities are permitted in all College facilities, programs, and events. Students with disabilities should contact the Office of the Dean of Student Services to obtain guidelines and regulations related to service animals.

### **8. Children in the Classroom**

Students bringing children to class without prior consent from the instructor is prohibited.

### **9. Discrimination and Harassment**

Discrimination and Harassment on the basis of race, color, national origin, sex, gender identity, sexual orientation, disability, age, religion, or any other characteristic protected by institutional policy or state, local, or federal law are prohibited. Further information regarding discrimination and procedures for students who believe they have been subjected to discrimination can be found in the Student Rights and Responsibilities section of the Angelina College Policy and Procedures Manual.

**Title IX:** Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., protects individuals from discrimination and harassment based on sex in any educational program or activity operated by recipients of federal financial assistance. Sexual harassment, including sexual violence, is a form of sex discrimination and is therefore prohibited under Title IX. Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work or educational environment.

Angelina College is committed to providing an environment of academic study and employment free from harassment or discrimination to all segments of its community; its faculty, staff, students, guests and vendors; and will promptly address all complaints of discrimination, sexual harassment, and related retaliation in accordance with applicable federal and state laws.

**To report a violation of Title IX or ask questions regarding Title IX, contact Steve Hudman, Dean of Student Services/TITLE IX Coordinator. His office address is 101 in the Student Center, his telephone number is 936-633-5293, and his email address is [shudman@angelina.edu](mailto:shudman@angelina.edu). Students may also contact the U.S. Department of Education, Office for Civil Rights (800-421-3481) to complain of sex discrimination or sexual harassment including sexual violence.**

#### **STUDENT GRIEVANCE POLICY**

**Title IX Grievance Procedure:** The College is committed to prompt and equitable resolution of student complaints of sexual discrimination, including sexual violence, by fellow students through the Discipline Program Procedure. The Title IX Coordinator will monitor the administration of the Discipline Program Procedure to ensure prompt and equitable resolution of the complaint. Other complaints of sexual discrimination (i.e., complaints against College employees) will be investigated and resolved by trained administrators with oversight by the Title IX Coordinator. In addition to the resolution procedures, when a student alleges sexual harassment or assault, the Title IX Coordinator will promptly meet with the student to explain:

- the investigation process, including the importance of treating both parties equitably, and that the complainant and alleged perpetrator will receive written notice of the outcome of the complaint;
- assurance that the College will take steps to prevent recurrence of any sexual violence and remedy discriminatory effects on the complainant and others, if appropriate;
- the College's resolution procedures, making clear that students are not required to work out issues directly with each other and that mediation is not used in sexual assault cases;
- counseling services available either on or off campus;
- possible academic accommodations; and
- that the College prohibits and will protect complainants from retaliation.

In sexual assault cases, the Title IX Coordinator will urge the student to seek medical attention. The Coordinator will also advise the student of the right to file a criminal complaint as well as to use the College's Student Conduct and Discipline Program. In addition, the Coordinator will explain any legal requirement or school policy to notify police of the alleged assault.

The College has a duty to investigate even if the complainant asks that it not do so. If the complainant requests anonymity, the Title IX Coordinator will remind the complainant that he or she will be protected from retaliation, and explain that anonymity may limit the College's ability to respond. Furthermore, the Coordinator will assure the complainant that the investigation will be discreet and only disclosed on a "need to know" basis. In deciding how to proceed, the Title IX Coordinator will

10/11/2017

## FLB (Local) – Student Rights and Responsibilities: Student Conduct and Discipline Program | Angelina College

weigh the complainant's anonymity request against the alleged perpetrator's potential danger to other students. In addition, the Coordinator will determine whether interim protective actions are necessary, such as issuing a "no contact" directive. The Coordinator will follow the initial meeting with a letter to the student reviewing the options and resources and requesting a signed acknowledgment of receipt as well as a written statement indicating the course of action the student wishes to pursue.

**10. Disruptions**

The use of force, violence, tactics, or behavior that causes obstruction or disruption of teaching, administration, disciplinary procedures, or other college authorized activities on college premises is prohibited. This includes use of language or behavior that disrupts the College learning environment.

**11. Distribution of Literature, Advertising, Selling or Solicitation**

Selling and soliciting are only permitted on the College's campus and sites with official authorization. Solicitation of students, faculty, or staff members by personal contact or through the distribution of advertising leaflets or handbills to promote sales without prior approval of Dean of Student Services is prohibited on any College property or in any buildings.

**12. False Reports**

False reporting of incidents including intentional activation of fire alarms or fire suppression systems on campus when a threat is not imminent is prohibited.

**13. Falsification of Records**

Knowingly furnishing false information to the College by forging or altering a document, record, or identification is prohibited.

**14. Financial Responsibilities**

Failure to promptly address all financial responsibilities owed Angelina College is prohibited. This includes any student unpaid debts, returned checks, overdue borrowed books, and other cases of financial irresponsibility.

**15. Firearms, Fireworks, and Explosives**

The unauthorized possession or use of firearms, fireworks, explosives, or unauthorized hazardous chemicals of any description on College grounds or property, including residence halls, is prohibited.

**16. Food and Drinks**

Possession and consumption of food and drinks is prohibited in the computer labs, classrooms, laboratories, shops, theatre, library, and other designated areas on campus without prior college approval.

**17. Gambling**

Gambling in any form is prohibited on College grounds and property, including College residence halls.

**18. Lewd, Indecent or Obscene Conduct**

Lewd, vulgar, indecent, or obscene conduct/expression infringing upon the rights of others and/or disrupting the campus learning environment is prohibited. This includes all Angelina College activities conducted on and off campus property.

**19. Misuse of Student Identification Card**

The use of a student identification card by anyone other than the person to whom it is issued, and the failure to present or relinquish a student identification card to a member of the faculty, staff, or administration upon request is prohibited.

**20. Official Directives**

**21. Stalking**

Attempting to control or intimidate another student through behavior or threats is prohibited. A stalker can be anyone, including an unknown person, an acquaintance, or a former intimate partner. A stalker may follow a victim off and on for a period of days, weeks, or even years. A stalking victim feels reasonable fear of bodily injury or death to self or to a family or household member or damage to property. Stalking can be perpetrated by the stalker or by someone acting on her/his behalf. Stalking can take the form of verbal threats or threats conveyed by the stalker's conduct, threatening mail, property damage, surveillance of the victim, or by following the victim.

**22. Student Dress**

Classroom instructors and College staff in charge of College events have the right to refuse entrance to students dressed in inappropriate attire.

**23. Terroristic and Bomb Threats**

Terroristic behavior such as sending threatening letters or electronic mail, communicating threats through telephone calls or text messages, and bomb threats are prohibited.

**24. Unauthorized Entry**

The unauthorized entry or use of College buildings, offices, or facilities is prohibited.

**25. Unauthorized Possession of Keys**

The possession by students of keys to College buildings or facilities that have not been issued by an authorized College official is prohibited.

**26. Vandalism**

The willful malicious destruction, damage, or defacing of property whether it belongs to the College or another student constitutes an act of vandalism and is prohibited.

**27. Violent Behavior**

The use or threat of physical violence against another person on College property or at College-sponsored events is prohibited.

**28. Violation of Local, State or Federal Law**

Any action, event, or group of events that provides grounds for a charge or violation of local, state, or federal laws is prohibited.

**SPECIAL PROCESS PROVISIONS****Attempted Violations**

In most circumstances, the College will treat attempt to commit any violations of Student Conduct as if that attempt had been completed.

**College as Complainant**

As necessary, Angelina College reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.

**Immunity for Victims and Witnesses**

At the sole discretion of the Dean of Student Services, the College may choose to not issue charges nor to administer punishment for violations of the Student Code to victims and witnesses of serious criminal activity, including sexual harassment and sexual misconduct.

**Bystander Engagement**

FLB (Local) – Student Rights and Responsibilities: Student Conduct and Discipline Program | Angelina College  
 At the sole discretion of the Dean of Student Services, the College may choose to not issue charges nor to administer punishment for violations of the Student Code when students report a dangerous situation to a College official or seek emergency assistance for themselves or other students.

### **Parental Notification**

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, related to alcohol and/or drug violations. The College may also notify parents/guardians of not-dependent students under age 21 of alcohol and/or drug policy violations. Where a student is not dependent, the College will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which college officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA). Notification of Outcomes The outcome of a campus hearing is part of the educational record of the accused student, and is protected from release pursuant to the Family Educational Rights and Privacy Act (FERPA).

However, the College observes the legal exceptions as follows:

- Complainants in non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and relationship violence incidents have an absolute right to be informed of the outcome, essential findings, and sanctions of the hearing, in writing, without condition or limitation.
- The College may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a college policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/ damage/ vandalism of property and kidnapping/abduction.

### **PENALTIES FOR MISCONDUCT**

Penalties for misconduct include, but are not limited to the following:

#### **Warning or Reprimand**

Warning or Reprimand may include, but is not limited to, counseling with or writing a letter to the student. These actions are cumulative and are considered official college actions that are recorded in the Office of the Dean of Student Services.

#### **Restriction**

Restriction involves specifically prohibiting a student from attending campus activities, occupying campus facilities, or using campus equipment or services.

#### **Community Service**

Community service is an assignment of unpaid work on campus or in the community with a restorative intent.

#### **Disciplinary Probation**

Disciplinary probation is applied for a stated period with or without specified restrictive conditions. Restrictive conditions may include but are not limited to:

- removing the right of the student to receive any college award, scholarships, or financial aid;
- removing the right to occupy any position of leadership in any college or student organization or activity.

**Disciplinary probation will become a part of the student's permanent academic record.**

#### **Removal from College Housing**

In certain instances, the college may remove a student from College housing and allow him/her to continue attending classes.

#### **Course Grade Reduction**

Faculty members may reduce a student's course grade in response to student behaviors that violate standards set forth in the course syllabus and/or prohibited in the student code.

## **Administrative Course Withdrawal**

Administrative course withdrawal results in a "W" grade. Angelina College reserves the right to withdraw students from a class or all classes if, in the judgment of the appropriate college official, such withdrawals are in the best interests of students and the college. Students may be withdrawn for reasons of lack of attendance, irresponsible financial conduct, personal misconduct, academic integrity violations, unlawful compliance of a college official, or other academic infractions.

## **Disciplinary Suspension**

Suspension is for a stated period, but never less than the remainder of the semester in which the offense is committed. During suspension, the student shall not attend classes, participate in any college related activity, or be on campus for any reason except application for readmission. Readmission on probation may be granted at the end of the suspension period. **Disciplinary suspension will become a part of the student's permanent academic record.**

## **Expulsion**

Expulsion is the permanent removal from Angelina College with no opportunity for readmission. Expulsion will become a part of the student's permanent academic record. The Office of the Dean of Student Services shall administer the Angelina College Student Conduct and Discipline Program.

## **PROCEDURES FOR DISCIPLINE PROGRAM**

### **Rules of Evidence and Burden of Proof**

Disciplinary decisions will be based on the preponderance of evidence. Meaning, it is more likely than not an alleged incident occurred. A totality of all available and relevant evidence will be used to establish this preponderance. The burden and responsibility for gathering and evaluating evidence rests with the College. Accused students may elect to not self-incriminate and should be active in presenting relevant evidence to support their position. Witness statements that are unsigned and/or undated will not be considered in discipline process; however, if an investigation stemming from an unsigned and/or undated statement results in the discovery of evidence that misconduct may have occurred, the student responsible for that misconduct may be subject to disciplinary action.

### **Steps in the Student Conduct Process**

1. Dean of Student Services or designee (hereinafter "College Official") will investigate alleged student misconduct.
2. If the College Official finds sufficient evidence of misconduct, the College Official will issue a letter to the student to schedule a hearing. The letter will include a description of the charge(s) and evidence.
3. College Official will conduct a hearing during which he/she explains the student's right to due process, reviews the Student Conduct Process including appeal procedures, lists the charge(s), and presents all evidence collected during his/her investigation. The student may present evidence, call witnesses, and/or address witness statements and evidence presented. Complainants and victims may present witnesses and other evidence during the hearing. The outcomes of the hearing will be one of the following:
  - a. The student admits misconduct in writing. The College Official will assign appropriate discipline in writing to the student. The student may appeal the assigned discipline to the Student Conduct Panel in writing to the Dean of Student Services within five (5) business days of receiving documentation from the College Official.
  - b. The College Official finds the student presents a preponderance of evidence that he/she is not responsible for the alleged misconduct. The College Official will dismiss the charge(s) against the student in writing.
  - c. After considering all evidence provided by the student, the College Official finds the preponderance of evidence supports the charge(s). The College Official will assign appropriate discipline in writing to the student. The student may appeal the finding of the College Official and/or the assigned discipline to the Student Conduct Panel in writing to the Dean of Student Services within five (5) business days of receiving documentation from the College Official.
4. When a student appeal is received, the Student Conduct Panel will conduct a hearing. During the hearing, the College Official will present the charge(s) and all evidence collected during his/her investigation. Complainants and victims will also be afforded the opportunity to present witnesses and other evidence during the hearing. The accused student may present evidence, call witnesses, and/or address witness statements and evidence presented. The outcomes of the

hearing may be one of the following:

- a. The Student Conduct Panel finds the preponderance of evidence supports the charge(s) and assigns appropriate discipline in writing.
  - b. The Student Conduct Panel finds the preponderance of evidences does not support the charge(s) and dismisses the charge(s) in writing.
5. A student or complainant may appeal the Student Conduct Panel's findings or discipline assignment in writing to the Angelina College President within five (5) business days of receiving documentation from the Student Conduct Panel. The only grounds for appeal are as follows:
- a. A procedural error occurred that significantly impacted the outcome of the hearing(s) (e.g. substantiated bias, failure to document findings, material deviation from established procedures, etc.);
  - b. New evidence unavailable during the original hearing or investigation that could substantially impact the original finding or discipline assignment is found. A summary of this new evidence must be included in the written appeal;
  - c. The discipline assigned is materially disproportionate to the severity of the violation.
6. The President will review the charge(s), the written findings of the Case Official and the Discipline Panel, and the written appeal from the student to decide the merits of the student's appeal. At his/her sole discretion, the President may meet with the student during his/her deliberation of the appeal. Pursuant to authority delegated to the President by the Angelina College Board of Trustees, the decision of the President is final.

#### **Student Conduct Panel**

Each year, the Dean of Student Services shall request the Angelina College Committee on Committees assign not less than three (3) faculty members and three (3) professional staff members to the Student Conduct Panel to serve one year terms. A faculty or professional staff member may serve additional one year terms at his/her request if the Dean of Student Services approves. The Dean of Student Services will recruit and appoint not less than three (3) currently enrolled students to serve on the Student Conduct Panel during each semester. The Dean of Student Services or designee shall conduct thorough, appropriate training with the Student Conduct Panel each semester. If a panelist cannot complete his/her term for any reason, the Dean of Student Services shall appoint and train a panelist from the exiting panelist's group (i.e., faculty, professional staff, student) who will serve the remainder of the exiting panelist's term. The Student Conduct Panel shall elect a Chief Panelist each semester by majority vote.

When the Student Conduct Panel receives a student appeal, the Chief Panelist will assign three current panelists, including at least one (1) student but not more than two (2) students, to conduct the hearing and render findings. At the hearing, the findings of the investigation will be admitted, but are not binding on panelists. The goal of the hearing is to provide an appropriate resolution via an equitable process.

#### **APPEALS**

All sanctions imposed by the College Official or Student Conduct Panel will be in effect during any appeal. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to his/her prior status, recognizing that some opportunities lost may be irretrievable in the short term.

REVISED: 7/16

## Divisions

- [Community Services](#)
- [Fine Arts](#)
- [Health Careers](#)
- [Language Arts & Education](#)
- [Science & Mathematics](#)
- [Social/Behavioral Sciences & Business](#)
- [Technology & Workforce](#)

## Departments

- [Academic Counseling](#)
  - [ACPAC](#)
  - [Admissions & Enrollment](#)
  - [Athletics](#)
  - [Bookstore](#)
  - [Communications](#)
  - [Distance Education](#)
  - [Financial Aid](#)
  - [Human Resources](#)
  - [Information Technology](#)
  - [Quality Enhancement and Innovation](#)
  - [Library](#)
  - [Registrar](#)
  - [Small Business Development Center](#)
  - [Special Student Support Services](#)
  - [Student Affairs Portal](#)
  - [Tutoring](#)
  - [Angelina College & Career Center - Crockett](#)
  - [Hemphill](#)
  - [Jasper Higher Education & Technology Center](#)
  - [Polk County Center - Livingston](#)
  - [Nacogdoches Center](#)
  - [Sabine Area Career Center](#)
  - [San Augustine](#)
  - [Trinity](#)
  - [Woodville](#)
- ## General Information
- [President's Welcome](#)
  - [About Us](#)
  - [Academic Affairs](#)
  - [Academic Calendar](#)
  - [Admissions](#)
  - [Adult Education Consortium](#)
  - [Angelina Arts Alliance](#)
  - [Blackboard](#)
  - [Board & Administration](#)
  - [Campus Connect](#)
  - [Campus Map](#)
  - [Community Services Class Schedule](#)
  - [Contact Information](#)
  - [Credit Class Schedule](#)
  - [Degrees & Certificates](#)
  - [Environmental Health & Safety](#)
  - [Events](#)
  - [HB2504](#)
  - [Jobs at AC](#)
  - [QEP - MASS](#)
  - [Residence Hall Information](#)
  - [Site Map](#)
  - [Student Development](#)
  - [Student Email](#)
  - [Student Publications](#)
  - [Testing](#)
  - [Title IX](#)
  - [Webpage Change Request](#)
  - [WorkKeys](#)

Angelina College

Phone Number: (936) 639-1301

Address: 3500 South First Street, Lufkin, Texas 75904



· © 2017 Angelina College · Developed by Angelina College .

[Back to top](#)







Home » DIA (Regulation) – Employee Freedom from Discrimination, Harassment, and Retaliation

# DIA (Regulation) – Employee Freedom from Discrimination, Harassment, and Retaliation



search angelina.edu

## SECTION ONE: STATEMENT OF NONDISCRIMINATION

### **1.01 Statement of Nondiscrimination**

The College prohibits discrimination, including harassment, against any employee on the basis of sex, gender, race, color, religion, national origin, disability, age, or any other basis prohibited by law.

### **1.02 Retaliation**

The College prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report of harassment or discrimination, serves as a witness, or otherwise participates in an investigation.

### **1.03 False Claims and Statements and Noncooperation with Investigations**

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College investigation regarding discrimination or harassment shall be subject to appropriate disciplinary action.

## SECTION TWO: DEFINITIONS

### **2.01 Employee**

Solely for the purposes of this policy, the term "employee" includes former employees, applicants for employment, unpaid interns, and volunteers.

### **2.02 Discrimination**

Discrimination against an employee is defined as conduct directed at an employee on the basis of sex, gender, race, color, religion, national origin, disability, age, or on any other basis prohibited by law that adversely affects the employee's employment.

### **2.02.2 Prohibited Harassment**

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on the employee's sex, gender, race, color, religion, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

- 2.02.1** has the purpose or effect of unreasonably interfering with the employee's work performance;
- 2.02.2** creates an intimidating, threatening, hostile, or offensive work environment; or

**2.02.3** otherwise adversely affects the employee's performance, environment, or employment opportunities.

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

**2.03 Sexual Harassment**

Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

**2.03.1** Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or

**2.03.2** The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

**2.04 Sexual Violence**

Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

**2.05 Examples of Sexual Harassment**

Examples of sexual harassment may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact.

**2.06 Gender-Based Harassment**

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the employee's gender, the employee's expression of characteristics perceived as stereotypical for the employee's gender, or the employee's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

**2.07 Retaliation**

Retaliation is punishing employees for asserting their rights to be free from discrimination including harassment. Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified reprimands, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

**2.08 Prohibited Conduct**

In this policy, the term "prohibited conduct" includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

**SECTION THREE: REPORTING PROCEDURES****3.01 Employee Report**

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her immediate supervisor. Alternatively, the employee may report the alleged acts to one of the College District officials below.

**3.02 Title IX Coordinator**

DIA (Regulation) – Employee Freedom from Discrimination, Harassment, and Retaliation | Angelina College

Reports of discrimination based on sex, including sexual harassment or gender-based harassment, may be directed to the Title IX Coordinator. The College designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: **Steve Hudman**

Title: Dean of Student Affairs

Mailing Address: Office of the Dean of Student Affairs, P.O. Box 1768, Lufkin, TX 75902-1768

Campus Address: 101 Student Center

**3.03 Employee ADA/Section 504 Coordinator**

In matters relating to employees, the College designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands the requirements of Section 504 of the Rehabilitation Act of 1973 as amended.

Name: **Tifini Whiddon**

Title: Director of Human Resources

Mailing Address: Office of Human Resources, P.O. Box 1768, Lufkin, TX 75902-1768

Campus Address: 201 Administration

**3.04 Other Antidiscrimination Laws**

The College President or designee shall serve as coordinator for purposes of College compliance with all other antidiscrimination laws.

**3.05 Alternative Reporting Procedures**

An employee shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX Coordinator or the ADA/Section 504 Coordinator, may be directed to the College President. A report against the College President may be made directly to the Board President. If a report is made directly to the Board President, the Board shall appoint an appropriate person to conduct an investigation.

**3.06 Timely Reporting**

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College's ability to investigate and address the prohibited conduct.

**3.07 Notice of Report**

Any College supervisor who receives a report of prohibited conduct shall immediately notify the appropriate College official listed above and take other steps required by this policy.

**3.08 Investigation of Report**

**3.08.1** The College may request, but shall not require, a written report. If a report is made orally, the College official shall reduce the report to written form.

**3.08.2 Investigation of the Report** Upon receipt or notice of a report, the College official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College official shall immediately authorize or undertake an investigation regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

**3.08.3 Referral** If the College official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, the College official shall refer the complaint for consideration under the Employee Complaints and Grievances policy (*DGBA LOCAL* in the College's Policy and Procedure Manual), as appropriate.

**3.08.4 Interim Action** If appropriate, the College shall promptly take interim action calculated to address prohibited conduct prior to the completion of the College's investigation.

**3.08.5 College Investigation** The investigation may be conducted by the College official or a designee or by a third party designated by the College, such as an attorney (hereinafter "Investigator"). The investigator shall have received appropriate training regarding the issues related to the complaint and the relevant College's policy and procedures. The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations. When appropriate, the supervisor(s) shall be involved in or informed of the investigation.

**3.08.6 Concluding Investigation** Absent extenuating circumstances, the investigation should be completed within ten (10) College business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation. The investigator shall prepare a written report of the investigation. The investigator shall prepare a written report of the investigation. The report shall be filed with the College official overseeing the investigation.

## **SECTION FOUR: COLLEGE ACTION**

### **4.01 Prohibited Conduct**

If the results of an investigation indicate that prohibited conduct occurred, the College shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct. The College may take action based on the results on an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

### **4.02 Confidentiality**

To the greatest extent possible, the College shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

### **4.03 Appeal**

A complainant who is dissatisfied with the outcome of the investigation may appeal through the Employee Complaints and Grievances process (see *DGBA LOCAL* in the AC Policy and Procedure Manual), beginning at the appropriate level. The complainant may have the right to file a complaint with appropriate state and federal agencies.

### **4.04 Records Retention**

Retention of records shall be in accordance with the College's records retention procedures.

### **4.05 Access to Policy, Procedures, and Related Materials**

Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed annually to College employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the College Policy and Procedure Manual, and other major College publications. Information regarding the policy, procedures, and related materials shall also be prominently published on the College's website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College's administrative offices and shall be distributed to an employee who makes a report.

Updated: 05/2017

## Divisions

- Community Services
- Fine Arts
- Health Careers
- Language Arts & Education
- Science & Mathematics
- Social/Behavioral Sciences & Business
- Technology & Workforce

## Departments

- Academic Counseling
- ACPAC
- Admissions & Enrollment
- Athletics
- Bookstore
- Communications
- Distance Education
- Financial Aid
- Human Resources
- Information Technology
- Quality Enhancement and Innovation
- Library
- Registrar
- Small Business Development Center
- Special Student Support Services
- Student Affairs Portal
- Tutoring

## Off Campus Locations

- Angelina College & Career Center - Crockett
- Hemphill
- Jasper Higher Education & Technology Center
- Polk County Center - Livingston
- Nacogdoches Center
- Sabine Area Career Center
- San Augustine
- Trinity
- Woodville

## General Information

- President's Welcome
- About Us
- Academic Affairs
- Academic Calendar
- Admissions
- Adult Education Consortium
- Angelina Arts Alliance
- Blackboard
- Board & Administration
- Campus Connect
- Campus Map
- Community Services Class Schedule
- Contact Information
- Credit Class Schedule
- Degrees & Certificates
- Environmental Health & Safety
- Events
- HB2504
- Jobs at AC
- QEP - MASS
- Residence Hall Information
- Site Map
- Student Development
- Student Email
- Student Publications
- Testing
- Title IX
- Webpage Change Request
- WorkKeys

Angelina College

Phone Number: (936) 639-1301

Address: 3500 South First Street, Lufkin, Texas 75904



· © 2017 Angelina College · Developed by Angelina College ·

[Back to top](#)



EXHIBIT

16

FLD  
(Exhibit)

**ANGELINA COLLEGE**  
**STUDENT COMPLAINT AND APPEAL FORM**

All formal complaints/grievances and appeals must be submitted using this form, and all fields must be completed. If a field is not relevant, write "N/A" in the space provided. Please note that complaints alleging discrimination, including violations of Title IX (sex and gender), Title VII (race, color, religion, national origin), ADEA (age), or ADA/Section 504 (disability), must be submitted to the Dean of Student Affairs, Student Center room 101, and in accordance with Angelina College policy.

Field 1 Student Name: David Mark Davis II

Field 2 Date: 09/07/2017

Field 3 Select One Option Below:

<input checked="" type="checkbox"/> <b>LEVEL ONE:</b> Complaint filed with Staff or Faculty Member	<input type="checkbox"/> <b>DISCRIMINATION</b>
<input type="radio"/> <b>LEVEL TWO:</b> Appeal to Associate Dean or Director	Title IX, Title VII, ADEA & Section 504, and
<input type="radio"/> <b>LEVEL THREE:</b> Appeal to Vice President or Dean	all other Discrimination: submit to Dean of
<input type="radio"/> <b>LEVEL FOUR:</b> Appeal to College President	Student Affairs.

You may attach any relevant documents to this form. You may also attach additional pages if the spaces provided below are insufficient. If you choose to attach additional pages, please write "see attached" in the space(s) below.

Field 4 Complaint

Be specific (e.g., include full names, **date the alleged incident occurred**, places, relevant rules & regulations, etc.).

The complaint must be in relation to an incident that has already occurred. Do not reference multiple matters or matters already addressed in a grievance you previously submitted.

On 09/05/2017, I was advised by Dean Hudman and Mr. Chris Sullivan that you were making false accusations against me and were actively attempting to interfere with my current enrollment (which I have paid for at Angelina College. The things you complained of were dismissed by Dr. Phillips 10 years ago when he refused to act on your false complaints. You have made some serious accusations in the past and present regarding allegations of acts that you claim occurred more than 10 years ago, some acts you complain of even criminal. However, you never complained to the police when you claimed these occurred acts, which you complain cause you to fear for your life occurred.

I deny the acts ever occurred. Dean Hudman even conceded on 09/05/2017 that there is no evidence to support your feelings of life endangerment.

Field 5 Adverse Effect

Explain how the alleged action or issue adversely affected or interfered with your right to an education.

I am being constantly harassed by college officials because of your false complaints. This harassment interferes with my success at the college.

You published statements of fact, related to me, the statements were false, with regard to the truth of the statement, you acted with actual malice, and I suffered pecuniary injury. (See attached letter submitted to you per the Defamation Mitigation Act)

**Field 6 Requested Relief**

State the specific corrective action or relief you are requesting. The corrective action or requested relief must be within the authority of AC to grant.

- 1) You retract your false statement
- 2) You refrain from making anymore false statements regarding me
- 3) Any and all other relief I can show myself entitled

**Field 7 Names of Witnesses who have firsthand knowledge of the complaint if you want to present a witness(es) or testimony from such a witness or witnesses:**

Dean Steve Hudman

Mr. Chris Sullivan

N/A

N/A

Pro Se

**Field 8 Name of Representative:**

You may identify a representative when the complaint is initially submitted or when submitting an appeal to a Level One, Level Two, or Level Three response. If you fail to identify a representative when this form is submitted, a representative shall not be allowed to attend the corresponding conference or hearing.

**Field 9 Signature**


09/07/2017

Signature

Date

David Mark Davis II

Printed Name

**ADMINISTRATION USE ONLY**

Name of employee who received this form: \_\_\_\_\_

Date complaint form received: \_\_\_\_\_ Did student discuss complaint with you informally (y/n) \_\_\_\_\_

Date of complaint conference or hearing: \_\_\_\_\_ Date written response sent to student: \_\_\_\_\_

**Employee must send** (a) the original complaint form and any attachments, (b) all other documents submitted by the student, (c) the written response issued by the employee and any attachments, (d) all other documents relied upon by the employee in reaching the initial decision, and (e) any recordings of conferences to the Dean of Student Affairs.

Administrative Notes:

David Mark Davis II  
2010 U.S. 190 W, #101  
Livingston, TX 77359

September 7, 2017

Myrna Boyd  
3500 S 1st St  
Lufkin, TX 75904

Via email to: [mboyd@angelina.edu](mailto:mboyd@angelina.edu)

**Subject: Request to correct, clarify, or retract  
Defamation Mitigation Act**  
**Defendant: Myrna Boyd**  
**Plaintiff: David Mark Davis II**

Dear Ms. Boyd:

This is a request that you correct, clarify, or retract false statements you made to Dean Hudman regarding me and is made pursuant the Texas Defamation Mitigation Act.

On Setpember 5, 2017, Dean Hudman advised me that you stated to him that I followed you home one day, parked behind your car one day and came into the Angelina College Records Office five times within one day with intent to harass you. Dean Hudman advised that you claim these acts occurred roughly 10 years ago. While Dean Hudman didn't give me a specific day you made these defamatory statements, he did advise that it was within the last 45 days.

Please immediately correct, clarify, or retract the above referenced false statements you made to Dean Hudman regarding me.

Respectfully,



David Mark Davis II, JD  
Plaintiff, Pro Se

EXHIBIT

17

FLD  
(Exhibit)

**ANGELINA COLLEGE**  
**STUDENT COMPLAINT AND APPEAL FORM**

All formal complaints/grievances and appeals must be submitted using this form, and all fields must be completed. If a field is not relevant, write "N/A" in the space provided. Please note that complaints alleging discrimination, including violations of Title IX (sex and gender), Title VII (race, color, religion, national origin), ADEA (age), or ADA/Section 504 (disability), must be submitted to the Dean of Student Affairs, Student Center room 101, and in accordance with Angelina College policy.

Field 1 Student Name: David Mark Davis II

Field 2 Date: 09/07/2017

Field 3 Select One Option Below:

<input checked="" type="checkbox"/> <b>LEVEL ONE:</b> Complaint filed with Staff or Faculty Member	<input type="radio"/> <b>DISCRIMINATION</b>
<input type="radio"/> <b>LEVEL TWO:</b> Appeal to Associate Dean or Director	Title IX, Title VII, ADEA & Section 504, and all other Discrimination: submit to Dean of Student Affairs.
<input type="radio"/> <b>LEVEL THREE:</b> Appeal to Vice President or Dean	
<input type="radio"/> <b>LEVEL FOUR:</b> Appeal to College President	

You may attach any relevant documents to this form. You may also attach additional pages if the spaces provided below are insufficient. If you choose to attach additional pages, please write "see attached" in the space(s) below.

Field 4 Complaint

Be specific (e.g., include full names, **date the alleged incident occurred**, places, relevant rules & regulations, etc.). The complaint must be in relation to an incident that has already occurred. Do not reference multiple matters or matters already addressed in a grievance you previously submitted.

On 09/05/2017, I was advised by Dean Hudman and Mr. Chris Sullivan that you were making false accusations against me and were actively attempting to interfere with my current enrollment (which I have paid for at Angelina College. The things you complained of were dismissed by Dr. Phillips 10 years ago when he refused to act on your false complaints. You have made some serious accusations in the past and present regarding allegations of acts that you claim occurred more than 10 years ago, some acts you complain of even criminal. However, you never complained to the police when you claimed these occurred acts, which you complain cause you to fear for your life occurred.

I deny the acts ever occurred. Dean Hudman even conceded on 09/05/2017 that there is no evidence to support your feelings of life endangerment.

Field 5 Adverse Effect

Explain how the alleged action or issue adversely affected or interfered with your right to an education.

I am being constantly harassed by college officials because of your false complaints. This harassment interferes with my success at the college.

You published statements of fact, related to me, the statements were false, with regard to the truth of the statement, you acted with actual malice, and I suffered pecuniary injury. (See attached letter submitted to you per the Defamation Mitigation Act)

**Field 6 Requested Relief**

State the specific corrective action or relief you are requesting. The corrective action or requested relief must be within the authority of AC to grant.

- 1) You retract your false statement
- 2) You refrain from making anymore false statements regarding me
- 3) Any and all other relief I can show myself entitled

**Field 7 Names of Witnesses** who have firsthand knowledge of the complaint if you want to present a witness(es) or testimony from such a witness or witnesses:

Dean Steve Hudman

Mr. Chris Sullivan

N/A

N/A

Pro Se

**Field 8 Name of Representative:**

You may identify a representative when the complaint is initially submitted or when submitting an appeal to a Level One, Level Two, or Level Three response. If you fail to identify a representative when this form is submitted, a representative shall not be allowed to attend the corresponding conference or hearing.

**Field 9 Signature**


Signature

09/07/2017

Date

David Mark Davis II

Printed Name

**ADMINISTRATION USE ONLY**

Name of employee who received this form: \_\_\_\_\_

Date complaint form received: \_\_\_\_\_ Did student discuss complaint with you informally (y/n) \_\_\_\_\_

Date of complaint conference or hearing: \_\_\_\_\_ Date written response sent to student: \_\_\_\_\_

**Employee must send** (a) the original complaint form and any attachments, (b) all other documents submitted by the student, (c) the written response issued by the employee and any attachments, (d) all other documents relied upon by the employee in reaching the initial decision, and (e) any recordings of conferences to the Dean of Student Affairs.

Administrative Notes:

David Mark Davis II  
2010 U.S. 190 W, #101  
Livingston, TX 77359

September 7, 2017

Myrna Boyd  
3500 S 1st St  
Lufkin, TX 75904

Via email to: [mboyd@angelina.edu](mailto:mboyd@angelina.edu)

**Subject: Request to correct, clarify, or retract  
Defamation Mitigation Act**  
**Defendant: Myrna Boyd**  
**Plaintiff: David Mark Davis II**

Dear Ms. Boyd:

This is a request that you correct, clarify, or retract false statements you made to Dean Hudman regarding me and is made pursuant the Texas Defamation Mitigation Act.

On Setpember 5, 2017, Dean Hudman advised me that you stated to him that I followed you home one day, parked behind your car one day and came into the Angelina College Records Office five times within one day with intent to harass you. Dean Hudman advised that you claim these acts occurred roughly 10 years ago. While Dean Hudman didn't give me a specific day you made these defamatory statements, he did advise that it was within the last 45 days.

Please immediately correct, clarify, or retract the above referenced false statements you made to Dean Hudman regarding me.

Respectfully,



David Mark Davis II, JD  
Plaintiff, Pro Se



# Angelina College

P.O. Box 1768, Lufkin, Texas 75902-1768 • 936/639-1301 • Fax 936/639-4299 • www.angelina.edu

EXHIBIT

18

September 12, 2017

David Mark Davis II  
11 Glenview Ct  
Lufkin, TX 75901

From: Steve Hudman, Dean of Student Affairs

Dear Mr. Davis:

This letter is to inform you that the level one grievances you filed on September 7 and September 8 against Myrnia Boyd are considered intimidation tactics and retaliatory. The College does not recognize your grievances against Mrs. Boyd for this reason and will not continue the grievance process in this matter.

Since the level one grievances are invalid the College considers this matter closed.

The temporary restrictions placed on your enrollment status described in my letter to you dated September 5, 2017, remain in effect.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Hudman".

Steve Hudman  
Dean of Student Affairs  
(936) 633 5293  
shudman@angelina.edu

*Angelina College....A Great Place To Start*



## Level One Grievances Myrnia Boyd

4 messages

**Steve Hudman** <shudman@angelina.edu>

To: Mark Davis &lt;dmarkdavis2@gmail.com&gt;

Cc: Michael Simon &lt;mssimon@angelina.edu&gt;, Chris Sullivan &lt;csullivan@angelina.edu&gt;, Sandra Cox &lt;scox@angelina.edu&gt;

Mr. Davis,

Please find attached the response to both level one grievances filed against Myrnia Boyd.

Sincerely,

Steve Hudman M.Ed.  
Dean of Student Affairs  
Angelina College  
3500 South First Street  
Lufkin, Texas 75904  
936.633.5293  
[shudman@angelina.edu](mailto:shudman@angelina.edu)

**Myrnia Boyd Grievance 1 and 2 letter.pdf**

242K

**Mark Davis** <dmarkdavis2@gmail.com>

To: Steve Hudman &lt;shudman@angelina.edu&gt;

Cc: Michael Simon &lt;mssimon@angelina.edu&gt;, Chris Sullivan &lt;csullivan@angelina.edu&gt;, Sandra Cox &lt;scox@angelina.edu&gt;, Wayne Haglund &lt;whaglund@haglundlaw.com&gt;

Mr. Hudman:

Can you please cite the authority that allows you to do this? I cant seem to find it. Should Ms. Boyd continue to refuse to respond to my grievance then I will file another one with her.

Davis

[Quoted text hidden]

10/11/2017

Gmail - Level One Grievances Myrrnia Boyd



### Mark Davis, JD

Phone: 936-238-8507  
Fax: (936) 309-0060  
Email: dmarkdavis2@gmail.com

**Mark Davis** <dmarkdavis2@gmail.com>

To: mboyd@angelina.edu

Cc: Michael Simon <msimon@angelina.edu>, Chris Sullivan <csullivan@angelina.edu>, Sandra Cox <scox@angelina.edu>, Wayne Haglund <whaglund@haglundlaw.com>, Steve Hudman <shudman@angelina.edu>

Ms. Boyd:

Since Dean Hudman doesn't have the authority to dismiss my grievance like that I still require a response as Board policy requires you do.

Davis

Sent from my iPhone  
[Quoted text hidden]

**Mark Davis** <dmarkdavis2@gmail.com>

To: Michael Simon <msimon@angelina.edu>

Cc: Wayne Haglund <whaglund@haglundlaw.com>, Steve Hudman <shudman@angelina.edu>, Chris Sullivan <csullivan@angelina.edu>

Mr. Simon:

Why do you continue to allow Dean Hudman to harass me? You cannot show one place in the Angelina College policies and procedures where he can not allow a student to file a grievance and give them 9 months probation when they do. What about flat out dismissing a grievance that was filed with a lower ranking staff member in good faith and in accordance with a state law? Or Where does he get the authority to restrict where a particular student can go on campus when he concedes that the staff complains he is basing the restriction on is baseless?

I thought I had a good conversation with the Board President last night regarding resolving the constant harassment but Dean Hudman's latest baseless investigation tells me otherwise.

I would like an answer to my questions.

**David Mark Davis II, JD**  
[Quoted text hidden]